

REMARKS/ARGUMENTS

By this Amendment, claim 10 is canceled, and claims 1, 9 and 11 are amended. Claims 1-9 and 11-15 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Rejection under 35 U.S.C. § 102

Applicant gratefully acknowledges the indication in the Office Action at page 5 that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The statement of reasons for the indication of allowable subject matter reads as follows:

As to claim 10, the prior art of record, taken alone or in combination, fails to disclose or render obvious a measuring arrangement for spectroscopic measurements on a particulate or liquid sample comprising having an actuator unit with which the measuring cuvette can be moved from a loading position into a calibration position or a measurement position, in combination with the rest of the limitations of claim 10.

Accordingly, Applicant has amended claim 1 to incorporate the quoted limitations from claim 10, and has canceled claim 10. As discussed in a March 22, 2007 telephone conference with the Examiner, the spectrometer limitation of intervening claim 9 is not incorporated into claim 1, as it is not necessary to distinguish over the applied art.

Claim 11 is amended to depend from claim 1 so as to place all of the method claims in condition for allowance along with the “measuring arrangement” claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-9 and 11-15 as being anticipated by Aldridge are respectfully requested.

Specification Objection

References to specific claims in the original specification were deleted by the Preliminary Amendment of October 21, 2004. Accordingly, reconsideration and withdrawal of the specification objection are respectfully requested.

Claim Objection

Although Applicant does not agree that there was anything objectionable about the form of claims 9-10, the objection is obviated by the cancellation of claim 10 and the amendment of

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claim 9. Accordingly, reconsideration and withdrawal of the objection to claims 9-10 are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.
